

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

ROBERT E. KING,

Plaintiff,

v.

OFFICER KEITH WOODEN,

Defendant.

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Case No.: 5:16-cv-00750-RDP-JEO

MEMORANDUM OPINION


On February 5, 2018, the Magistrate Judge's Report and Recommendation (Doc. # 29) was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. No objections were filed.

After careful consideration of the record in this case and the Magistrate Judge's Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge.¹ The court further **ACCEPTS** the recommendations of the Magistrate Judge that the court deny Plaintiff's Motion for Summary Judgment (Docs. # 23, 25), grant Defendant's Motion for Summary Judgment (Docs. # 13, 14, 18), and dismiss Plaintiff's claims with prejudice.

A separate order in accordance with the Memorandum Opinion will be entered.

¹ The court observes that the Report and Recommendation does not specifically discuss the constitutionality of Plaintiff's detention between Defendant's observation at approximately 16:03 that Plaintiff was intoxicated in public (*see* Doc. # 29 at 5 n. 3) and a dispatcher's report to Defendant at approximately 16:15 that Plaintiff had active warrants issued against him (*see id.* at 6 n. 4). This issue is not material for two reasons. First, Plaintiff's Complaint challenges the constitutionality of his continued detention after the dispatcher had checked for warrants (and a subsequent search incident to arrest), but the Complaint fails to challenge the constitutionality of Plaintiff's detention while Defendant waited for a warrant check to be completed. (*See* Doc. # 1 at 3-4). Second, Defendant has testified that he had a reasonable suspicion that Plaintiff had been intoxicated in public when he detained Plaintiff while waiting for the warrant check to be completed. (Doc. # 13-1 at 3). Defendant's reasonable suspicion that Plaintiff had committed a municipal infraction justified the *Terry* stop.

DONE and **ORDERED** this February 20, 2018.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE